

CHAPTER 1

GENERAL REGULATIONS

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Section A - Title and Enactment

WHEREAS, It is determined by the Board of County Commissioners of Clark County, Ohio that it is in the interest of the public health, public safety, and general welfare of the County to regulate and/or protect the location and use of land, buildings, and structures for agriculture and resource protection and for residential, commercial, and industrial development; in order to conserve and protect property and property values, to secure the most appropriate use of land, to regulate the density of population, and to facilitate adequate and economical provisions for public improvements; all in accordance with the goals and objectives of the Clark County Land Use Plan and notwithstanding the provisions outlined in the Clark County Subdivision Regulations; to provide a method of administration and enforcement and to prescribe penalties for the violations of provisions hereafter described - all as authorized by Chapter 303 of the Ohio Revised Code;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY:

That these Zoning Regulations shall be known and may be cited and referred to as the "Clark County, Ohio, Zoning Regulations," and shall contain the following provisions:

Section B - Area of Jurisdiction

1. The provisions of these Regulations shall apply to all unincorporated land areas of Clark County that are regulated by County Zoning by having voted approval, as provided by Chapter 303 of the Ohio Revised Code, and as indicated on the Official Zoning District Map(s).
2. The provisions of these Regulations shall apply to the remaining unincorporated land area of Clark County, Ohio, pursuant to the provisions of Chapter 303 of the Ohio Revised Code. Upon certification by the Board of Elections, these Regulations shall take immediate effect in all townships of the County which vote approval, eliminating from the plan any township which does not vote approval, as provided by Chapter 303 of the Ohio Revised Code. Abolishment of prior zoning resolutions in any township or part thereof shall be governed by the provisions of Chapter 303 of the Ohio Revised Code and any amendment thereto. If such previous zoning resolution was adopted by the County, it shall be enforced by the County Zoning Inspector as set forth in Chapter 9 of these Regulations, and the Board of Zoning Appeals shall have jurisdiction as set forth in Chapter 9.
3. (a) Except as otherwise provided in subparagraph (b) of this Section, nothing in these regulations shall prohibit the use of any land for agricultural purposes or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located and no zoning certificate shall be required for any such building or structure. [eff: 3-29-90]

Section B (continued)

- (b) The provisions of these regulations shall, in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, apply to and regulate agriculture on lots of one acre or less; buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: setback building lines, height, and size; dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code. After thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Chapter 1, Section I and Chapter 9, Section G, 3 of these regulations. [eff: 3-29-90]
4. Nothing in these Regulations shall impose restrictions with respect to land used for legitimate purposes by any public utility or railroad with respect to the erection, maintenance, repair, alteration, remodeling, or extension of any building or structure (except general offices or other uses not directly related to provision of utility services) of any public utility or railroad, whether publicly or privately owned; except that such public utility and/or railroad buildings or structures shall conform to required setback lines.
5. Nothing in these Regulations shall impose restrictions with respect to land owned or leased by any industrial firm for the conduct of oil or natural gas well drilling or production activities, or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants. The Performance Standards contained in Chapter 8, Section A shall apply.
6. Nothing in these Regulations shall prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

Section C - Official Zoning District Map

The Official Zoning District Map(s) dated May 1984 are an integral part of these Regulations. All Zoning District boundaries, notations, references, and other information shown on the Official Zoning District Map(s) are a part of these Regulations and shall carry the same force and effect as the balance of the material contained herein.

Section D - Interpretation and Purposes

These Regulations are the minimum requirements necessary for the promotion of the public health, public safety, and general welfare. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements. Where these Regulations impose a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of these Regulations shall control.

Section E - Establishment of Zoning Districts

For the purposes as stated in Section A, Title and Enactment, the unincorporated territory of Clark County, Ohio that is subject to these Zoning Regulations is hereby divided into the following Zoning Districts: [eff: 6-1-2000]

A-1	Agricultural District
AR-1	Agricultural/Residential Districts
AR-2	Agricultural/Residential Districts
AR-5	Agricultural/Residential Districts
AR-10	Agricultural/Residential Districts
AR-25	Agricultural/Residential Districts [approved 11-27-01; eff: 12-27-01]
R-1	Rural Residence District
R-2	Low Density Single-Family Residence District
R-2A	Medium Density Single-Family Residence District
R-2B	Medium-High Density Single-Family Residence District
R-3	Medium Density Single- and Two-Family Residence District
R-4	Multiple-Family Residence District
B-1	Neighborhood Business District
B-2	Community Business District
B-3	General Business District
B-4	Heavy Business District
O-1	Office Business District
OR-2	Office Residential District [eff: 4-4-96]
I-1	Industrial District
PD	Planned Development Districts [eff: 3-25-03]
R-MHP	Residential Manufactured Home Park (Mobile Home) District
FP	Flood Plain Overlay District
OS	Open Space Overlay District [eff: 3-29-90]

Section F - Zoning District Statements of Intent

Each District on the Official Zoning District Map or Maps shall be designated for the following purposes:

A-1 Agricultural District [approved 12-13-00; eff: 1-13-01]

The A-1 Agricultural District is intended to preserve areas where soils, topographic conditions, and physical features are best suited for the pursuit of agricultural use. Also to protect the agricultural uses from encroachment of incompatible non-agricultural land uses and to preserve open areas from the encroachment of scattered urban type uses or until such time that the area is ready for more intensive development and can be provided with appropriate infrastructure and services. This district is intended to ensure that land areas which are within the unincorporated areas which are well suited for agriculture production are retained for such production, unimpeded by the establishment of incompatible uses which would hinder agricultural uses and inevitably deplete agricultural lands and uses. This district is also established to prevent the conversion of prime agricultural land to scattered non-farm development which when unregulated, unnecessarily increases the cost of public services and infrastructure to all citizens and results in the premature disinvestment in agriculture.

AR-1, AR-2, AR-5, AR-10, AR-25 Agricultural/Residential Districts [approved 11-27-01; eff: 12-27-01]

The AR-1, AR-2, AR-5, AR-10, and AR-25 Agricultural/Residential Districts are intended to allow low density and very low density residential development in areas deemed unsuitable or unuseable for agricultural uses or which will allow limited residential development in a manner so as not to impede agricultural uses.

R-1 Rural Residence District [eff: 6-1-2000]

The Rural Residence District is intended to reserve land at outlying locations in the County for single-family residential development on lots of one acre or more in size, particularly where public sewerage and water systems are not available. In addition, where public sewer and/or water is available, lower density lots should be encouraged to provide space for new residential development of a suburban character, where lots of substantial size are available for activities of children, for gardening, and for family recreation.

Section F (continued)

R-2 Low Density Single-Family Residence District

The Low Density Single-Family Residence District is intended to provide areas for single-family suburban type residential development at relatively low density on land which is generally vacant at the time of development. These areas are intended to provide space for new residential development of a suburban character on lands which are served with public water and sewerage systems.

R-2A Medium Density Single-Family Residence District

The Medium Density Single-Family Residence District is intended to provide land for single-family residential development at an intermediate density near urban areas, and also to allow for infilling on vacant lots which are of a relatively small size. Medium Density Single-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

R-2B Medium-High Density Single-Family Residence District

The Medium-High Density Single-Family Residence District is intended to promote the availability of affordable housing by providing areas for development of single-family homes on small lots, as well as to provide an opportunity for infilling in areas characterized by a relatively high density of housing development. Medium-High Density Single-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

R-3 Medium Density Single- and Two-Family Residence District

The Medium Density Single- and Two-Family Residence District is intended to provide areas for single-family and two-family residential development at an intermediate density near urban areas. The requirements of the R-3 District realize that, due to rising fuel costs and other economic concerns, some homeowners may wish to convert their single-family dwellings to two-family structures, which is permitted in the R-3 District. Medium Density Single- and Two-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

R-4 Multiple-Family Residence District

The Multiple-Family Residence District is intended to provide for higher density residential development in the form of low-rise multiple-family dwellings. The R-4 District reflects existing multiple-family areas as well as those areas well suited to such future development, such as areas which enjoy strategic locations relative to major intersections, major open space/terrain/ vistas, and/or high intensity commercial areas. Multiple-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

B-1 Neighborhood Business District

The intent of the Neighborhood Business District is to establish small, compact commercial areas at strategic locations near or adjacent to residential areas in order to provide land for retail, professional, and personal service establishments where they can serve the day-to-day and occasional shopping needs of residents of the surrounding area.

B-2 Community Business District

The Community Business District is intended to provide for a broad range of primarily retail, professional, and personal service uses which may require substantial frontage for visibility and access, and whose trade areas typically extend beyond a particular neighborhood.

B-3 General Business District

The General Business District is intended to provide land for a full range of retail, professional, personal service, or other commercial uses whose trade areas extend beyond a particular neighborhood or even beyond a township or Clark County, and whose uses would not be compatible with the uses permitted in other commercial districts and which would be detrimental to adjoining residential areas unless effectively controlled.

Section F (continued)

B-4 Heavy Business District

The intent of the B-4 Heavy Business District is to provide for heavy businesses which are incompatible with local and community business districts. [eff: 3-29-90]

O-1 Office Business District

The intent of the Office Business District is to reflect existing office uses at different locations throughout the unincorporated areas of the County, and to allow a "mix" of business and professional office establishments with existing dwellings along major thoroughfare frontage that is undergoing transition. The intent here is to structure that transition in an orderly fashion and to allow for not only changes in uses and activities, but also to allow for extensive rehabilitation of residential structures for business and professional office purposes and/or redevelopment under controlled circumstances.

OR-2 Office Residential District

This district has been established to provide for a mixture of residential, small office and professional service establishments which will maintain the residential appearance of the area and which shall not create or generate a great amount of traffic and noise. [eff: 4-4-96]

I-1 Industrial District

The intent of the Industrial District is to accommodate existing industrial development and allow land for future industrial expansion. The I-1 District is intended for land which are located with frontage along major thoroughfares and/or where convenient access exists to major highways and/or rail systems, Industrial Districts should be separated physically and functionally from residential areas and less intensively developed commercial areas.

PD Planned Development (PD) Districts [eff: 3-25-03]

The Planned Development Districts are proposed to establish a zoning procedure for the development of areas on a planned basis in accordance with an overall Development Plan and specific procedures for site plan review and approval. The intent is to be flexible in the regulation of basic land planning and to encourage imaginative site planning that provides a variety of uses with usable open space.

R-MHP Residential Manufactured Home Park District

The Residential Manufactured Home Park District is intended to provide for the placement of manufactured homes in a planned physical setting upon a site under unified management, in accordance with an overall Development Plan and specific procedures for site plan review and approval. Provisions for connections to off-site water and sewerage system are required. [eff: 3-29-90]

Section F (continued)

FP Flood Plain Overlay District

The Flood Plain Overlay District is intended to promote the public health, safety, and general welfare and to minimize flood losses through provisions designed to: restrict or prohibit uses of land which are dangerous to health, safety, or property in times of flood or which may cause excessive increase in flood heights or velocities; require that uses vulnerable to floods, including facilities which serve such uses, can be protected against flood damage at the time of initial construction; and protect individuals from buying lands which are unsuited for intended purposes because of flood hazard. The FP District provides a review procedure for requests for new construction or substantial improvements to existing structures to ensure that these activities are carried out in accordance with currently acceptable flood plain management criteria. Once the flood-proofing measures of the FP District have been complied with, the standard underlying Zoning District regulations shall become the criteria for development.

OS Open Space Overlay District

The Open Space Overlay District is intended to ensure proper water management and effective conservation measures by guiding development in surface and groundwater retention areas. Land uses permitted in the OS District should generally be associated with open space and recreational activities, with the primary objectives being to conserve and protect the groundwater recharge areas of reservoirs, aquifers, and other land areas that contribute to the County's public water supply and/or recreation resources. The OS District provides a review procedure for requests for new construction or substantial improvements to existing structures to ensure that these activities will not interfere with the availability or enjoyment of water resources, or inhibit future surface and groundwater development; and to ensure that pollution abatement measures are followed.

S Specific Use Control District

The intent of the Specific Use Control (S-District), is to allow property which is being rezoned to be restricted to one or more uses of a particular zoning district to better control its use. Instead of rezoning to a district which would allow all the uses within that district, a specified use (or uses) that will be compatible with the surrounding area would be granted by the implementation of this Section. All requirements of the identified District (i.e. frontage, setbacks, etc.) and all other general requirements (i.e. parking, signs, etc.) shall apply to the specified use or uses. [eff: 2-14-85]

Section G - Filing for Rezoning by Owner/Lessee [eff: 4-4-96]

Whenever an owner or lessee of property submits an application for rezoning, said request must include the following:

1. Rezoning Application. The owner or lessee of the property or an agent who possesses "Power of Attorney" from the owner or lessee of the property (any of which are hereinafter referred to as "appropriate applicant"), must submit a written request for rezoning on the current "Rezoning Application" forms provided by Clark County. Said appropriate applicant must sign the application for rezoning. **It is recommended that a non-binding sketch plan be submitted with the rezoning application showing what development is being proposed.** All information, exhibits, and data must be provided. Any missing or incomplete information, exhibits, or data shall be a basis for rejecting an application for processing. If said application is rejected it shall not be processed and all items will be returned to the applicant. Information, exhibits, and data shall include:
 - (a) Owner's or lessee's name and address.
 - (b) Information about the area to be rezoned.

Section G (continued)

- (c) Accurate legal description and map.
 - (d) Copy or tracing of the current tax map showing the area to be rezoned. Said area to be rezoned shall coincide with (c) above. A dashed line shall be drawn with a two hundred (200) foot radius around the area to be rezoned. Within said two hundred (200) foot radius, all Permanent Parcel Numbers shall be shown.
 - (e) A list of all property owners, their mailing address, and Permanent Parcel Number(s) within said two hundred (200) foot radius shall be submitted. Said list shall be typed or printed on a separate 8 1/2" x 11" sheet(s) of paper.
 - (f) Other items as noted on the application form.
2. Consultation With Other Agencies. Prior to submission of a rezoning application as noted in Subsection 1 above, the appropriate applicant shall consult with the following agencies as applicable:
- (a) In all cases where on-site sewage disposal is utilized (i.e., where public sewer is not available or utilized), the County Health Department or Ohio EPA, as applicable, must evaluate the soil/site suitability for on-site sewage disposal of the rezoning site and report same to the owner/lessee on the appropriate form. Said analysis shall be included with the rezoning application.
 - (b) For all rezoning cases, the Clark Soil & Water Conservation District will provide a soils investigation report for the rezoning site and provide same to the owner/lessee. Said soils report shall be included with the rezoning application.
 - (c) For all rezoning requests (except single-family districts), the County Engineer's Office must evaluate vehicular access points and drainage (including possible detention/retention areas) of the rezoning site and report same to the owner/lessee on the appropriate form. Said site analysis shall be included with the rezoning application. For rezoning requests for single-family districts, it is **highly recommended** that a site analysis be conducted by the County Engineer's Office and submitted with the rezoning application.
 - (d) For any rezoning request that involves the use of an existing building, the County Building Department, through the Chief Building Official, must evaluate the usability of said building for the proposed use and report same to the owner/lessee on the appropriate form. Said building analysis shall be included with the rezoning application.

THE APPROPRIATE APPLICANT MUST SUBMIT SUFFICIENT INFORMATION IN ORDER THAT A PROPER EVALUATION CAN BE CONDUCTED FOR THE REZONING SITE. EACH AGENCY MUST BE CONTACTED FOR SPECIFIC INFORMATION REQUIREMENTS.

Section H - Required Conformance

Except as hereinafter specifically provided,

1. No land shall be used except for a use permitted in the Zoning District in which it is located, or for a use conditionally permitted and subject to the granting of a Conditional Use.

Section H (continued)

2. No land shall be used and no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered unless it is a use permitted in the Zoning District in which such building or structure is located.
3. No land shall be changed in use and no building or structure shall be occupied or used and no existing building or structure shall be changed in use until a Zoning Certificate has been issued by the Zoning Inspector. No such Zoning Certificate shall be issued unless the plans for the proposed building or structure or land use fully comply with the provisions of these Regulations.
4. Every building hereafter erected or structurally altered shall be located on a lot as defined. Where more than one (1) principal building is erected on a single lot, an open space shall be provided which is equal in width to twice the width of the side yard required for the use in the District in which the buildings are located.
5. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any lot hereafter be created, which does not conform and meet the requirements of these Regulations.
6. No lot, yard, parking area, or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by these Regulations; and, if already less than the minimum required by these Regulations, such area or dimension shall not be further reduced. No part of a yard, parking area, or other space provided about or for any building or structure, for the purpose of complying with the provisions of these Regulations, shall be included as part of a yard, parking area, or other space required under these Regulations for another building or structure.

Section I - Regulation of Non-conformities

1. Non-conforming Uses include buildings, structures, or uses which were lawfully existing prior to the adoption of these Zoning Regulations and which are prohibited or further restricted as a result of the provisions adopted in these Zoning Regulations.
2. All Non-conforming Uses are considered by these Zoning Regulations to be incompatible with the Permitted Uses of the Zoning District in which the Non-conforming Uses are located.
3. Nothing contained in these Zoning Regulations shall be construed to require any changes to be made in the plans, construction, or designated use of any building, structure, or use on which actual construction was lawfully begun, or for which plans were officially approved by the County prior to the date of adoption of these Zoning Regulations.
 - (a) Actual construction shall include projects whereby materials have been placed on the site and fastened together in a permanent manner; where excavation of a site has begun; or where demolition of a building to make way for rebuilding has begun; provided said construction, excavation, or demolition and subsequent rebuilding shall be carried on diligently, in conformance with the requirements of Section L, 2. of this Chapter.
4. All Non-conforming buildings, structures, or uses of land which were lawfully existing prior to the adoption of these Regulations may be maintained and shall be kept in repair, provided no structural alterations shall be made except such as are required by law or authorized by the Board of Zoning Appeals.

Section I (continued)

5. Any Non-conforming building, structure, or use of land which is superseded by a use which is permitted within the Zoning District in which it is located shall thereafter be in conformance with these Regulations, and the previous Non-conforming Use shall not be resumed.
6. Any Non-conforming Use of land which is discontinued, or building or structure left vacant, for a period of two (2) years or more, shall not be resumed. Any subsequent use of the land shall be in conformance with these Regulations.
7. Any Non-conforming building or use of land which is destroyed by natural causes (fire, flood, earthquake, tornado, or the like) to the extent of more than fifty (50) percent of its replacement value, shall not be resumed or reconstructed. The remains of any building or structure shall be razed as soon as is possible (not to exceed sixty (60) days from the date of the order of the Zoning Inspector). Any subsequent use of the land thereafter shall be in conformance with these Regulations. Replacement value shall be based upon the replacement cost of the structure prior to the calamity, and shall be determined by an independent appraiser. In the case of any uncertainty as to the replacement value of a particular structure, the determination of the Clark County Building Official or his/ her representative shall be final. [eff: 3-29-90]

Notwithstanding other provisions of these regulations, the provisions of this paragraph shall not apply to buildings or structures that have been a conditionally or permitted use as herein provided. A waiver of this Section may be granted by the Board of Zoning Appeals, along with any further and additional restrictions as the Board demands. [eff: 3-29-90]

8. The Board of Zoning Appeals may authorize the extension of a Nonconforming Use throughout those parts of an existing building which manifestly were designed or arranged for such use prior to the effective date of these Regulations if no structural alterations except those required by law are made therein.
9. No Non-conforming building or structure or use may be enlarged, extended, or otherwise expanded except upon the granting of a Conditional Use by the Board of Zoning Appeals. [eff: 3-29-90]
10. Nothing in these Regulations shall grant a legal Non-conforming Use status to a Non-conforming Use that existed unlawfully prior to enactment of these Regulations.
11. See Chapter 9, Section G - Administrative Procedures, 3. (B), Restoration. [eff: 3-29-90]

Section J - Rules for Interpretation of the Official Zoning District Map

1. The boundaries of the Zoning Districts are hereby established as shown on the Zoning Map or Maps of the unincorporated territory of Clark County, Ohio, which map(s) are hereby made a part of these Regulations. The said Zoning Map(s) and all notations and references and other matters shown thereon, shall be and are hereby made part of these Regulations. Said Zoning Map(s), properly attested, shall be and remain on file in the office of the Zoning Inspector, County Planning Commission, and Rural Zoning Commission, Clark County, Ohio.
2. Except where referenced on said map(s) to a street line or other designated line by dimensions shown on said map(s), the District boundary lines are intended to follow property lines, lot lines, or centerlines of streets, alleys, streams, or railroads as they existed at the time of adoption of these Regulations or the extension of such lines. [eff: 4-4-96]

Section J (continued)

3. Where a District boundary line, as established in this Section or as shown on the Zoning Map(s), divides an existing lot or parcel, said lot or parcel is subject to the zoning requirements as defined by whatever Zoning District the part of the lot or parcel is located within. The Zoning Inspector shall make a determination as to the location of the Zoning District boundary and therefor those uses which are permitted thereon. The Zoning Inspector may use any information available in making such determination. [eff: 4-4-96]
4. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Official Zoning District Map(s), the Board of Zoning Appeals, after notice of public hearing to the owners of the property abutting, shall interpret the map(s) in such a way as to carry out the intent and purpose of these Regulations for the particular section or District in question.
5. Questions concerning the exact location of District boundary lines shall be determined by the Board of Zoning Appeals as provided in Chapter 9 and in accordance with rules and regulations which may be adopted by it.
6. Whenever any street, alley, or other public way is vacated by official action as provided by law, the Zoning Districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended District or Districts.
7. In every case where territory has not been specifically included within a District, or where territory becomes a part of the unincorporated area of Clark County by the disincorporation of any village, town, city, or portion thereof, such territory shall automatically be classified as an A-1 District, until otherwise classified.

Section K - Rules for Interpretation of the Zoning Regulations Text

In the interpretation of the text, the rules of interpretation contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following rules apply to the text:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text and any table, the text shall control.
3. The word "shall" shall be mandatory and not discretionary. The words "may" or "should" shall be permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
6. In case there is question as to the intended meaning of any provision of the text, the Board of Zoning Appeals may interpret its meaning as it applies to a particular property. Before reaching a decision in response to any such request, the Board of Zoning Appeals may obtain the written opinion of the Clark County Prosecutor thereon.

Section K (continued)

7. Any use in any District which use is not specifically listed or otherwise referenced as being permitted, but which is determined by the Board of Zoning Appeals to be of the same general character as those which are so listed as permitted in such District, but not including any use which is first permitted or is prohibited in the next less restricted District, may be authorized by the Board of Zoning Appeals.

Section L - Regulations Not Retroactive

1. Except as otherwise specified in these Regulations, any use, lot, building, or structure that exists as of the enactment date of these Regulations or any amendment thereto may be continued even though such use, lot, building, or structure may not conform to the provisions of the Zoning District in which it is located. The provisions for Non-conforming Uses shall apply.
2. Nothing contained in these Regulations shall require any change in the plans, construction, size, or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of these Regulations; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground floor framework including structural parts of the second floor (where applicable) shall have been completed within one (1) year after the effective date of these Regulations.
3. The construction of a conforming structure and/or the conduct of a Permitted Use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or Permitted Use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals. Such Non-conforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership at the time of enactment or amendment of these Zoning Regulations. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.
 - (a) In no case shall the width of any side yard be less than ten (10) percent of the width of the lot (except in the case of zero lot line or cluster dwellings, and except as permitted in the "B" and O-1 Districts); and, on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty (20) percent of the frontage, whichever is greater.
 - (b) The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than ten (10) feet.
4. If two (2) or more lots or a combination of lots and portions lots with continuous frontage in single ownership are of record at the time of enactment or amendment of these Regulations, and if all or part of the lots with no buildings do not meet the minimum requirements established for lot width and/or area, the lands involved shall be considered to be an undivided parcel for the purposes of these Regulations.
 - (a) No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by these Regulations.
 - (b) No division of any parcel shall be made which creates a lot with a width and/or area below the requirements stated in these Regulations.

Section M - Overlapping Jurisdictions

1. There are established in certain areas of Clark County other zoning regulations known as the Wright-Patterson Air Force Base Airport Zoning Regulations and the Clark-Greene County Airport Zoning Regulations. Within the boundaries established for the Wright-Patterson Air Force Base Airport Zoning Regulations and the Clark-Greene County Airport Zoning Regulations, a Zoning Permit or other evidence of compliance with said regulations shall be obtained from the proper airport zoning authorities and presented to the Clark County Zoning Inspector prior to application for a Clark County Zoning Certificate.
2. There are established in certain low-lying areas of Clark County building restrictions for those areas situated within the jurisdictional limits of the Miami Conservancy District. Within this area, known as the Huffman Retarding Basin, no new dwellings may be constructed. Buildings for recreational or agricultural purposes may be constructed if a permit is issued by the Miami Conservancy District Property Office. All applications for building permits in the Huffman Retarding Basin must be approved by the Miami Conservancy District prior to application for a Zoning Certificate from the Clark County Zoning Inspector.
3. There are established in certain areas of Clark County wellhead/ wellfield protection regulations which identify particular usage restrictions contained within a defined area. Said wellhead/wellfield protection regulations are the result of legislation adopted by a provider of a public water supply. Said boundary is based on a scientifically derived protection area. Uses within these boundaries may be subject to these wellhead/wellfield protection regulations. [eff: 9-17-98]

Section N - Non-Conforming Yard Requirements

The front, side or rear yard setback requirements of Chapter 2 may be modified through action of the Board of Zoning Appeals in certain cases where compliance cannot be obtained due to placement requirements of water supply and/or disposal of wastes of the Clark County Health Department or the Ohio EPA, as applicable. In no case shall the front, side, or rear yard setback be less than fifty (50) percent of the required distances set forth in Chapter 2. [eff: 3-29-90]

Section O - Commentary

This document may contain commentary which is intended to clarify, explain, or elaborate on the regulations contained herein. As such, the commentary is not considered regulatory and can be changed without amending these regulations. An example would be a section which mirrors the Ohio Revised Code - section would cite "in accordance with the Ohio Revised Code" - but the commentary would explain what is in the current law. [eff: 11-30-00]